

Application No.: 10/601,251
Art Unit 2141

REMARKS

1. Claims 1-71 are pending.
2. The Office Action mailed 03/08/2007 has been reviewed.
3. In response to the Office Action:
First, claims 1, 14, 26, 41, 70 and 71 hereby are amended;
Second, claims 2-13, 15-25, 27-40 and 42-69 hereby are canceled; and
Third, twenty-nine (29) new claims numbered 72-100 hereby are presented.
4. The remarks below are directed to the remaining claims 1, 14, 26, 41, and 70-100. Of these, it is noted that claims 72-100 are newly-presented.
5. Claims 1 and 14 were rejected under 35 U.S.C. section 101 as being directed to non-statutory subject matter. In response, these claims are amended to more clearly and more adequately describe statutory subject matter. It is noted these claims are now directed to "a computer-readable medium ... encoded with a data structure", emphasis added. As a result, it is believed these rejections are traversed.
6. Claims 1, 14, 26, 41, 70 and 71 are rejected under section 102(b) as being anticipated by Malik, U.S. Patent Application Publication 2002/0065892 A1 ("Malik"). In response, these claims hereby are amended to more clearly and more patentably distinguish the claimed invention over these references. As a result, and for the reasons discussed below, it is believed these rejections are traversed.
7. Based on M.P.E.P. section 706.02, "for anticipation under 35 U.S.C. 102, the reference (Malik) must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present".
In contrast, however, when claims 1, 14, 26, 41, 70 and 71 are compared to Malik, substantial differences become apparent. This is explained below.

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8. As to independent claim 1, this claim is directed to:

"A computer-readable medium that is arranged to be embedded in a provided sending device 103, where the sending device 103 is arranged to be coupled to a communications network 115;

and where the computer-readable medium is encoded with a data structure, the data structure being arranged to process a first message 104 that is intended to be received by a recipient 102 that is coupled to the communications network, the first message comprising a first data object 105, the processing of the first message 104 being based on a method comprising:

(a) forming a second data object 105' based on the first data object, and then storing the second data object in a provided storage device 109 at a corresponding storage device second data object address, and forming access controls to prevent the recipient 102 from retrieving the stored second data object until a provided code scanning component 130 determines when to permit the recipient 102 to access the stored second data object;

(b) forming a reference information 110 based upon the storage device second data object address; and,

(c) forming a second message 104' comprising the reference information and wherein the second message is devoid of at least part of the first data object;

and, without sending the first message 104 to the communications network 115, sending the second message 104' to the communications network 115 and then deleting the first message 104, the first message including the first data object 105;

and where the provided code scanning component analyzes the stored second data object to determine when the second data object contains at least some digital information that requires application of further data processing steps in order to determine when to permit the recipient to retrieve the stored second data object, including analyzing the

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stored second data object to determine when the second data object contains digital information comprising any of a virus, an image file, an image file comprising a currency image, confidential information, digital information that is permitted to be accessed by the recipient, and digital information that is permitted to be distributed on the communications network",

claim 1, emphasis added.

9. It is noted that claim 1 includes the following passage:

"... and where the provided code scanning component analyzes the stored second data object to determine when the second data object contains at least some digital information that requires application of further data processing steps in order to determine when to permit the recipient to retrieve the stored second data object, including analyzing the stored second data object to determine when the second data object contains digital information comprising any of a virus, an image file, an image file comprising a currency image, confidential information, digital information that is permitted to be accessed by the recipient, and digital information that is permitted to be distributed on the communications network",

claim 1, in part, emphasis added.

In contrast, this claim 1 passage is NOT SATISFIED by Malik. Further, a computerized search of the written description of Malik reveals that this reference DOES NOT CONTAIN any the following eight (8) limitations (i) through (viii):

- (i) "code scanning";
- (ii) "analyzes (or 'analyze') ... stored ... data";
- (iii) "determine when to permit ... to retrieve ... data";
- (iv) "virus";
- (v) "currency image";
- (vi) "confidential information";

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- (vii) "permitted (or 'permit') ... to be accessed (or 'access') "; and
- (viii) "permitted (or 'permit') ... to be distributed (or 'distribute') ";

all of which limitations are required in the claim 1 passage above.

10. In summary, as shown in 8-9 above, claim 1 contains AT LEAST THESE EIGHT (8) limitations (i) through (viii) that are NOT SATISFIED by Malik. Thus, Malik DOES NOT teach every aspect of the claimed invention in claim 1, as required to support the rejection of anticipation. As a result, this rejection is traversed and claim 1 is allowable.

13. Claim 14 is dependent on claim 1. As a result, this dependent claim 14 likewise is believed allowable AT LEAST on the grounds that it is dependent on its parent claim 1 which, as discussed in 8-10 above, is itself allowable.

14. As to independent claim 26, this claim is directed to:

"A sending device 103 arranged to be coupled to a communications network 115 and further arranged to process a first message 104 that is intended to be received by a recipient 102 that is coupled to the communications network 115, where the first message includes a first data object 105, the processing of the first message 104 being based on a method, the method comprising:

by the sending device, and without sending the first message 104 to the communications network 115:

(a) forming a second data object 105' based upon the first data object, and then storing the second data object in a provided storage device 109 at a corresponding storage device second data object address, and forming access controls to prevent the recipient from retrieving the stored second data object until a provided code scanning component 130 determines when to permit the recipient to access the stored second data object;

(b) forming a reference information 110 based on the storage device second data object address and,

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(c) forming a second message 104' comprising the reference information and wherein the second message is devoid of at least part of the first data object; and

by the provided code scanning component 130:

analyze the stored second data object to determine when the second data object contains at least some digital information that requires application of further data processing steps in order to determine when to permit the recipient to retrieve the stored second data object, including analyzing the stored second data object to determine when the second data object contains digital information comprising any of a virus, an image file, an image file comprising a currency image, confidential information, digital information that is permitted to be accessed by the recipient, and digital information that is permitted to be distributed on the communications network; and

by the sending device, and without sending the first message 104 to the communications network 115:

sending the second message 104' to the communications network 115 and then deleting the first message 104, the first message including the first data object 105",

claim 26, emphasis added.

15. It is noted that claim 26 includes the following passage:

"... forming access controls to prevent the recipient from retrieving the stored second data object until a provided code scanning component 130 determines when to permit the recipient to access the stored second data object;

...

by the provided code scanning component 130:

analyze the stored second data object to determine when the second data object contains at least some digital information that requires application of further data processing steps in order to determine when

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to permit the recipient to retrieve the stored second data object,
including analyzing the stored second data object to determine when the
second data object contains digital information comprising any of a virus,
an image file, an image file comprising a currency image, confidential
information, digital information that is permitted to be accessed by the
recipient, and digital information that is permitted to be distributed on
the communications network ... ",

claim 26, in part, emphasis added.

In contrast, this claim 26 passage is NOT SATISFIED by Malik. Further, a computerized search of the written description of Malik reveals that this reference DOES NOT CONTAIN any the following ten (10) limitations (i) through (x):

- (i) "forming (or 'form') access controls";
- (ii) "prevent ... retrieving (or 'retrieve') ... data";
- (iii) "determine when to permit ... to retrieve ... data";
- (iv) "code scanning";
- (v) "analyzes (or 'analyze') ... stored ... data";
- (vi) "virus";
- (vii) "currency image";
- (viii) "confidential information";
- (ix) "permitted (or 'permit') ... to be accessed (or 'access') "; and
- (x) "permitted (or 'permit') ... to be distributed (or 'distribute') ";

all of which limitations are required in the claim 26 passage above.

16. In summary, as shown in 14-15 above, claim 26 contains AT LEAST THESE TEN (10) limitations (i) through (x) that are NOT SATISFIED by Malik. Thus, Malik DOES NOT teach every aspect of the claimed invention in claim 26, as required to support the rejection of anticipation. As a result, this rejection is traversed and claim 26 is allowable.

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17. Claim 41 is dependent on claim 26. As a result, this dependent claim 41 likewise is believed allowable AT LEAST on the grounds that it is dependent on its parent claim 26 which, as discussed in 14-16 above, is itself allowable.

18. As to independent claim 70, this claim is directed to:

"A system (100) comprising a recipient (102) and a corresponding receiving means, a storing means, and a sender (101) and a corresponding sending means (103), wherein the sending means includes means for processing a first message including a first data object, the sending means further including means for forming a second data object based upon the first data object, the sending means further including means for storing the second data object in the storing means, thus forming a stored data object; and

the system further comprising code scanning means (130) for analyzing the stored data object and for determining when to permit the recipient to access the stored data object from the storing means",

claim 70, emphasis added.

19. It is noted that claim 70 includes the following passage:

"... code scanning means (130) for analyzing the stored data object and for determining when to permit the recipient to access the stored data object from the storing means",

claim 70, in part, emphasis added.

In contrast, this claim 70 passage is NOT SATISFIED by Malik. Further, a computerized search of the written description of Malik reveals that this reference DOES NOT CONTAIN any the following three (3) limitations (i) through (iii):

- (i) "code scanning";
- (ii) "analyzing (or 'analyze') ... stored ... data"; and
- (iii) "determining (or 'determine') when to permit ... to access ... data";

all of which limitations are required in the claim 70 passage above.

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20. In summary, as shown in 18-19 above, claim 70 contains AT LEAST THESE THREE (3) limitations (i) through (iii) that are NOT SATISFIED by Malik. Thus, Malik DOES NOT teach every aspect of the claimed invention in claim 70, as required to support the rejection of anticipation. As a result, this rejection is traversed and claim 70 is allowable.

21. Claim 71 is dependent on claim 70. As a result, this dependent claim 71 likewise is believed allowable AT LEAST on the grounds that it is dependent on its parent claim 70 which, as discussed in 18-20 above, is itself allowable.

22. As to newly-presented independent claim 78, this claim is directed to:

"A method for a recipient (102) to access a stored data object (105') that has been stored by a sender (101), the method comprising the recipient accessing the stored data object responsive to a provided code scanning means analyzing the stored data object to determine when to permit the recipient to access the stored data object",

claim 78, emphasis added.

23. It is noted that newly-presented claim 78 includes the following passage:

"... responsive to a provided code scanning means analyzing the stored data object to determine when to permit the recipient to access the stored data object",

claim 78, in part, emphasis added.

In contrast, this claim 78 passage is NOT SATISFIED by Malik. Further, a computerized search of the written description of Malik reveals that this reference DOES NOT CONTAIN any the following three (3) limitations (i) through (iii):

- (i) "code scanning";
- (ii) "analyzing (or 'analyze') ... stored ... data"; and
- (iii) "to determine (or 'determining') when to permit ... to access ... data";

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all of which limitations are required in the claim 78 passage above.

24. Thus, as shown in 22-23 above, claim 78 contains AT LEAST THESE THREE (3) limitations (i) through (iii) that are NOT SATISFIED by Malik. Accordingly, it is believed that claim 78 is allowable.

25. Claims 79-87 are dependent on claim 78. As a result, these dependent claims 79-87 likewise are believed allowable AT LEAST on the grounds that they are dependent on their common parent claim 78 which, as discussed in 22-24 above, is itself allowable.

26. As to newly-presented independent claim 88, this claim is directed to:

"A method to control a distribution of information to a recipient 102, comprising, by a provided sending means 103, forming a message 104 intended to be distributed to the recipient 102, the message including a first data object 105; forming a second data object 105' based on the first data object 105 and storing the second data object in a provided storage means 109, thus forming a stored data object 105'; and by a provided code scanning means 130, analyzing the stored data object to determine when it contains any information whose distribution is to be controlled",

claim 88, emphasis added.

27. It is noted that newly-presented claim 88 includes the following passage:

"... by a provided code scanning means 130, analyzing the stored data object to determine when it contains any information whose distribution is to be controlled",

claim 88, in part, emphasis added.

In contrast, this claim 88 passage is NOT SATISFIED by Malik. Further, a computerized search of the written description of Malik reveals that this reference DOES NOT CONTAIN any the following three (3) limitations (i) through (iii):

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(i) "code scanning";
(ii) "analyzing (or 'analyze') ... stored ... data"; and
(iii) "to determine (or 'determining') ... information ... distribution (or 'distribute') ... to be controlled (or 'control')";
all of which limitations are required in the claim 88 passage above.

28. Thus, as shown in 26-27 above, claim 88 contains AT LEAST THESE THREE (3) limitations (i) through (iii) that are NOT SATISFIED by Malik. Accordingly, it is believed that claim 88 is allowable.

29. Claims 89-100 are dependent on claim 88. As a result, these dependent claims 89-100 likewise are believed allowable AT LEAST on the grounds that they are dependent on their common parent claim 88 which, as discussed in 26-28 above, is itself allowable.

SUMMARY

In summary, it is believed the remaining claims 1, 14, 26, 41, and 70-100 are allowable over the prior art of record and the application is in condition for allowance. Accordingly, further consideration of this application now is respectfully requested.

Please direct questions to the undersigned attorney whose phone number is shown below.

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Transmitted herewith is an amendment in the above-identified application. The fee is calculated below.

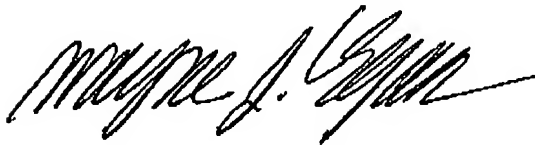
As a result of the current amendment, now this application contains exactly FIVE (5) independent claims numbered 1, 26, 70, 78 and 88. In contrast, only FOUR (4) independent claims have been paid in this application to date. Thus, there is ONE (1) independent claim for which payment currently is due, outstanding and payable.

Under 37 C.F.R. section 1.16(h), the fee for the present ONE (1) additional independent claim is \$200.00.

Accordingly, please charge this fee of \$200.00 to Deposit Account No. 24-0025. An additional copy of this sheet is enclosed.

Please charge any additional fees under 37 C.F.R. sections 1.16, 1.17, 1.21 and 1.136(a) (but not 1.18), or credit any overpayment, to Deposit Account No. 24-0025. An additional copy of this sheet is enclosed.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefor to the above deposit account, if not otherwise specifically requested. This is also an authorization under 37 C.F.R. section 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.



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